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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,784	02/09/2004	Herbert Gerner	298-220	9756
28249	7590	05/10/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			NORMAN, MARC E	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amended the claims to incorporate subject matter indicated as allowable into presently independent claims 3 and 8. However, upon a further update search of the prior art, the Examiner has found a new reference that reads on some of the claims. Since the application was already made final based on previously presented amendments, this new Office Action is also made final. However, Applicant is given a new start date for the final rejection corresponding to the date of the present Office Action. The Examiner apologizes that the newly found reference was not found earlier in the prosecution.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As presently written, claim 4 depends from cancelled claim 1. For purposes of prosecution on the merits below, it is assumed that Applicant intended claim 4 to depend from independent claim 3.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 3, 4, 7, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Toyoshima.

As per claims 3, 4, 7, and 10, Toyoshima discloses a refrigeration/freezer system with at least two refrigeration/freezer units (A, B1, B2), a common operating unit (a), a signal transmission component NT constituting the sole interconnection between the refrigeration/freezer units, operating unit (a) integrated into refrigeration/freezer unit A, each unit having a refrigerator and freezer unit (Figure 1), transmission cables (Figure 1), and the control units transferring refrigeration data.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6, 9, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima.

As per claim 5, Toyoshima does not specifically teach an ice maker. Official notice is taken that these are common and obvious components of refrigeration/freezer units.

As per claim 6, Toyoshima does not teach a bus system, Official notice is taken that bus systems are common, well-known, and obvious components of data transmission systems for the purpose of interfacing multiple units.

As per claim 9, Toyoshima does not teach a wireless transmission component. Official notice is taken that wireless telephone transmission lines are common and well-known, and would have been obvious to one of ordinary skill in the art to combine within the system of Toyoshima for the purpose of connecting the various control devices.

As per claims 21 and 24-26, see rejections above of similar claims 10 and 4-6 respectively.

As per claim 22, Toyoshima teaches each refrigeration/freezer unit having its own control unit (a, b1, b2).

#### ***Allowable Subject Matter***

Claims 8 and 11 are allowed.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'M. Norman', with a stylized, cursive script.

**MARC NORMAN  
PRIMARY EXAMINER**